

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JESSE C. BANNER, JR.,)
Plaintiff,)
v.) 1:05CV01156
PHILIP MORRIS U.S.A.,)
Defendant.)

ORDER AND JUDGMENT

OSTEEN, District Judge

For the reasons stated in the memorandum opinion filed this same day,

IT IS ORDERED AND ADJUDGED that Defendant's motion to dismiss [4] is GRANTED.

This the 30th day of August 2006.



United States District Judge